

3627  
8/16

PATENT  
Attorney's Do. No. 8514-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application No. 09/441,107

Examiner: Joseph A. FISCHETTI

First Named Inventor: NED HOFFMAN

Group: 3627

Filed: 16 Nov 1999

For: SYSTEM AND METHOD FOR TOKENLESS BIOMETRIC ELECTRONIC SCRIP

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GROUP 3600

TRANSMITTAL LETTER

Commissioner for Patents  
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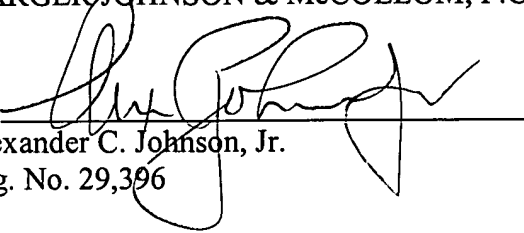
Enclosed for filing in the above-referenced U.S. Letters Patent/Application is:

1. Request to Exclude
2. Power of Attorney with accompanying listing of Indivos patent properties and recorded merger documents

Customer No.  
20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

By   
Alexander C. Johnson, Jr.  
Reg. No. 29,396

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Telephone: (503) 222-3613



## REQUEST TO EXCLUDE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR § 3.71 (a), INDIVOS CORPORATION, assignee of the above-described patent applications/patents, hereby excludes Ned Hoffman and his companies, EXCEL INNOVATIONS, INC. and AVIV, LLC, and Otto Lee, Reg. No. 37,871, and Ali Kamarei, Reg. No. 37,000, and any persons acting on their behalf, from conducting prosecution, inspecting or granting powers to inspect or entering a power of attorney or changing address or taking any other action whatsoever in any of the above referenced patents and patent applications.

Assignee INDIVOS CORPORATION has recorded an ANNULMENT OF ASSIGNMENT and STATEMENT THAT NED HOFFMAN LACKED AUTHORITY TO EXECUTE DOCUMENTS ON BEHALF OF INDIVOS CORPORATION in Reel/Frame 013986 / 0001 ( 97 pages) on September 16, 2003, against those properties referred to in the accompanying Power of Attorney.

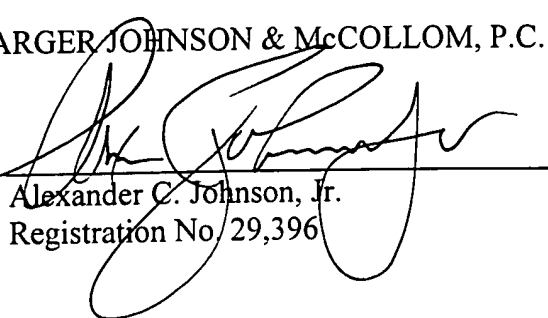
Filed herewith is a new Power of Attorney designating the undersigned and other members of this firm as attorneys for INDIVOS CORPORATION. No other attorneys or persons are authorized to represent or act for INDIVOS CORPORATION in any of its patents or patent applications.

Respectfully submitted,

20575  
Customer No.

MARGER JOHNSON & McCOLLOM, P.C.

By

  
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST AND  
REVOCATION OF PRIOR POWERS**

I, Mark G. Thompson, Treasurer of Indivos Corporation, a Delaware corporation, having a place of business at One Market Street, Spear Tower, Suite 4100, San Francisco, California 94105, a wholly owned subsidiary of Solidus Networks, Inc., having a place of business at One Market Street, Spear Tower, Suite 4100, San Francisco, California 94105, assignee of the entire right, title and interest of the U.S. Patents and Patent Applications described on the attached Exhibit, by virtue of the assignments from the inventors to SmartTouch, LLC, a limited liability company, SmartTouch, Inc., a Delaware corporation, VeriStar Corporation, a Delaware corporation, or Indivos Corporation, a Delaware corporation (Reel and Frame indicated on the attached Exhibit), and by virtue of the certificate of merger of Indivos Corporation with Indivos Acquisition Corp., which was a Delaware corporation and a wholly owned subsidiary of Solidus Networks, Inc., a copy of which is attached hereto, represent that I am empowered to sign on behalf of assignee.

As assignee of record of the entire interest of the above-identified application, all powers of attorney previously given are hereby revoked and the following attorneys and/or patent agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Customer Number 20575

<u>Attorney Name</u>	<u>Registration No.</u>
Elmer W. Galbi	19,761
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Julie L. Reed	35,349
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James E. Harris	40,013
Kevin S. Ross	42,116
Graciela G. Cowger	42,444
Ariel S. Rogson	43,054
Craig R. Rogers	43,888
Hillary Brooks	45,815
Clifford D. Weston	48,307
Todd J. Iverson	53,057

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INDIVOS CORPORATION,  
a Delaware corporation,

Date: 8-8-03

By: Mark G. Thompson  
Mark G. Thompson  
Treasurer, Indivos Corporation

I, John Rogers, President of Indivos Corporation, a Delaware corporation, attest that I have witnessed the execution of this document by Mark G. Thompson, Treasurer of Indivos Corporation.

Date: 8-8-03

By: John Rogers  
John Rogers  
President, Indivos Corporation



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GROUP

Docket No.	Provisional Application Serial No.	Filing Date	Application Serial No.	Filing Date	Patent No.	Issue Date	Reel/Frame (pages)	Inventor's Assignment Date	Assigned To:
8514-5			08/442,895	5/17/1995	5,613,012	3/18/1997	7567/0562 (4 pages)	5/17/1995	SmartTouch, LLC
8514-6			08/345,323	11/28/1994	5,615,277	3/25/1997	9525/0737 (3 pages)	10/22/1998	SmartTouch, Inc.
8514-7			08/739,313	10/29/1996	5,737,439	4/7/1998	8292/0624 (5 pages)	1/9/1997	SmartTouch, LLC
8514-8			08/722,629	9/27/1996	5,764,789	6/9/1998	8261/0255 (4 pages)	9/27/1996	SmartTouch, LLC
8514-9			08/818,872	3/17/1997	5,802,199	9/1/1998	8541/0709 (7 pages)	5/30/1997	SmartTouch, LLC
8514-10			08/820,008	3/18/1997	5,805,719	9/8/1998	8645/0502 (5 pages)	3/18/1997	SmartTouch, LLC
8514-11			08/687,251	7/25/1996	5,838,812	11/17/1998	8123/0336 (4 pages)	7/25/1996	SmartTouch, LLC
8514-12			08/705,399	8/29/1996	5,870,723	2/9/1999	8315/0449 (6 pages)	1/16/1997	SmartTouch, LLC
8514-13			08/902,151	7/29/1997	5,982,914	11/9/1999	8822/0659 (4 pages)	7/29/1997	SmartTouch, Inc.
8514-14			09/244,784	2/5/1999	6,012,039	1/4/2000	01170/0434 (10 pages)	9/28/2000	SmartTouch, Inc.
8514-16			09/098,318	6/16/1998	6,131,464	10/17/2000	9258/0474 (4 pages)	6/16/1998	SmartTouch, Inc.
8514-17			09/183,215	10/30/1998	6,366,682	4/2/2002	011623/0378 (5 pages)	3/5/2001	SmartTouch, Inc.
8514-18			29/097,014	11/25/1998	6,425,873	5/30/2000	011292/0008 (5 pages)	11/14/2000	SmartTouch, Inc.
8514-19			09/330,253	6/10/1999	6,411,728	6/25/2002	011299/0507 (6 pages)	11/13/2000	SmartTouch, Inc.
8514-20			09/239,595	1/29/1999	6,230,148	5/8/2001	010614/0239 (8 pages)	1/29/1999	SmartTouch, Inc.
8514-21			09/239,570	1/29/1999	6,269,348	7/31/2001	010505/0282 (6 pages)	1/21/2000	SmartTouch, Inc.
8514-22			09/243,208	2/2/1999	6,192,142	2/20/2001	010894/0156 (4 pages)	7/10/2000	SmartTouch, Inc.
8514-23			09/245,501	2/5/1999	6,154,879	11/28/2000	010546/0555 (6 pages)	1/31/2000	SmartTouch, Inc.
8514-24			09/357,718	7/20/1999	6,397,198	5/28/2002	010993/0150 (5 pages)	7/24/2000	SmartTouch, Inc.
8514-25			09/398,914	9/16/1999			011057/0344 (3 pages)	8/21/2000	SmartTouch, Inc.
8514-26			09/441,107	11/16/1999			010908/0680 (3 pages)	6/27/2000	SmartTouch, Inc.
8514-50	60/208,680	5/31/2000	09/871,241	5/30/2001			011723/0657 (5 pages)	1/16/2001	SmartTouch, Inc.
8514-52			09/731,536	12/6/2000			011359/0599 (5 pages)	12/6/2000	VeriStar Corporation
8514-56			09/794,810	2/26/2001			9321/0795 (7 pages)	7/14/1998	SmartTouch, Inc.
8514-57			09/815,434	3/22/2001			011359/0599 (5 pages)	12/6/2000	VeriStar Corporation
8514-58			09/639,948	8/17/2000			012902/0505 (2 pages)	5/17/2002	VeriStar Corporation
8514-60			09/848,887	5/3/2001	6,581,042	6/17/2003	010614/0239 (8 pages)	1/29/1999	SmartTouch, Inc.
8514-61			09/879,370	6/11/2001			010505/0282 (6 pages)	1/21/2000	SmartTouch, Inc.
8514-75			10/056,982	1/23/2002			012900/0541 (3 pages)	5/13/2000	Indivos Corporation
8514-87			10/120,328	4/10/2002			010993/0150 (5 pages)	7/24/2000	SmartTouch, Inc.
8514-89			10/241,374	9/10/2002			7567/0562 (4 pages)	5/17/1995	SmartTouch, LLC
8514-100			09/215,058	12/17/1998			012722/0900 (5 pages)	3/22/2002	SmartTouch, Inc.
8514-101			10/114,587	4/1/2002	6,594,376	7/15/2003	011623/0378 (5 pages)	3/5/2001	SmartTouch, Inc.
8514-102			10/143,430	5/9/2002	6,591,002	7/8/2003	011299/0507 (6 pages)	11/13/2000	SmartTouch, Inc.
8514-110			10/619,990	7/14/2003			011623/0378 (5 pages)	3/5/2001	SmartTouch, Inc.

Docket No.	Transferred From:	Transferred To:	Recorded at:	Transferred From:	Transferred To:	Recorded at:
			Reel/Frame (pages)	Date		Reel/Frame (pages)
8514-5	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	SmartTouch, Inc.	012010/0454 (22 pages)
8514-6					VeriStar Corporation	012010/0454 (22 pages)
8514-7	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	SmartTouch, Inc.	012010/0454 (22 pages)
8514-8	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	VeriStar Corporation	012010/0454 (22 pages)
8514-9	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	VeriStar Corporation	012010/0454 (22 pages)
8514-10	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	VeriStar Corporation	012010/0454 (22 pages)
8514-11	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	VeriStar Corporation	012010/0454 (22 pages)
8514-12	SmartTouch, LLC	SmartTouch, Inc.	9525/0621 (58 pages)	10/22/1998	VeriStar Corporation	012010/0454 (22 pages)
8514-13					VeriStar Corporation	012010/0454 (22 pages)
8514-14					VeriStar Corporation	012010/0454 (22 pages)
8514-16					VeriStar Corporation	012010/0454 (22 pages)
8514-17					VeriStar Corporation	012010/0454 (22 pages)
8514-18					VeriStar Corporation	012010/0454 (22 pages)
8514-19					VeriStar Corporation	012010/0454 (22 pages)
8514-20					VeriStar Corporation	012010/0454 (22 pages)
8514-21					VeriStar Corporation	012010/0454 (22 pages)
8514-22					VeriStar Corporation	012010/0454 (22 pages)
8514-23					VeriStar Corporation	012010/0454 (22 pages)
8514-24					VeriStar Corporation	012010/0454 (22 pages)
8514-25					VeriStar Corporation	012010/0454 (22 pages)
8514-26					VeriStar Corporation	012010/0454 (22 pages)
8514-50					VeriStar Corporation	012010/0454 (22 pages)
8514-52					VeriStar Corporation	012010/0454 (22 pages)
8514-56					VeriStar Corporation	012010/0454 (22 pages)
8514-57					VeriStar Corporation	012010/0454 (22 pages)
8514-58					VeriStar Corporation	012010/0454 (22 pages)
8514-60					VeriStar Corporation	012010/0454 (22 pages)
8514-61					VeriStar Corporation	012010/0454 (22 pages)
8514-75					VeriStar Corporation	012010/0454 (22 pages)
8514-87					VeriStar Corporation	012010/0454 (22 pages)
8514-89					VeriStar Corporation	012010/0454 (22 pages)
8514-100					VeriStar Corporation	012010/0454 (22 pages)
8514-101					VeriStar Corporation	012010/0454 (22 pages)
8514-102					VeriStar Corporation	012010/0454 (22 pages)
8514-110					VeriStar Corporation	012010/0454 (22 pages)



Docket No.	Notes:
8514-5	
8514-6	
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8514-8	
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8514-26	
8514-50	Expressly abandoned in favor of 09/815,434 (8514-57).
8514-52	
8514-56	
8514-57	
8514-58	
8514-60	Relies on assignment in 09/239,595 (8514-20).
8514-61	Relies on assignment in 09/239,570 (8514-21).
8514-75	
8514-87	Relies on assignment from 09/357,718 (8514-24).
8514-89	No original assignment recorded. The listed recording is for 08/442,895 (8514-5), from where the specification is taken. We also rely on the assignment in 09/639,948 (8514-58) (the immediate parent application).
8514-100	
8514-101	Relies on assignment in 09/183,215 (8514-17).
8514-102	Relies on assignment in 09/330,253 (8514-19).
8514-110	Relies on assignment in 09/183,215 (8514-17).





## Facsimile Transmission

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Company: ALEXANDER C. JOHNSON, JR.  
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AUGUST 12, 2003

PTAS

MARGER JOHNSON & MCCOLLOM, P.C.  
ALEXANDER C. JOHNSON, JR.  
1030 S.W. MORRISON ST.  
PORTLAND, OREGON 97205



\*700039767A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/11/2003

REEL/FRAME: 013862/0618  
NUMBER OF PAGES: 5

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

INDIVOS CORPORATION

DOC DATE: 07/23/2003

## ASSIGNEE:

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ONE MARKET STREET, SPEAR TOWER,  
41ST FLOOR  
SAN FRANCISCO, CALIFORNIA 94105

SERIAL NUMBER: 09215058  
PATENT NUMBER:

FILING DATE: 12/17/1998  
ISSUE DATE:

SERIAL NUMBER: 09398914  
PATENT NUMBER:

FILING DATE: 09/16/1999  
ISSUE DATE:

SERIAL NUMBER: 09441107  
PATENT NUMBER:

FILING DATE: 11/16/1999  
ISSUE DATE:

SERIAL NUMBER: 09639948  
PATENT NUMBER:

FILING DATE: 08/17/2000  
ISSUE DATE:

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013862/0618 PAGE 2

SERIAL NUMBER: 09731536  
PATENT NUMBER:

FILING DATE: 12/06/2000  
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SERIAL NUMBER: 09794810  
PATENT NUMBER:

FILING DATE: 02/26/2001  
ISSUE DATE:

SERIAL NUMBER: 09815434  
PATENT NUMBER:

FILING DATE: 03/22/2001  
ISSUE DATE:

SERIAL NUMBER: 09871241  
PATENT NUMBER:

FILING DATE: 05/30/2001  
ISSUE DATE:

SERIAL NUMBER: 09879370  
PATENT NUMBER:

FILING DATE: 06/11/2001  
ISSUE DATE:

SERIAL NUMBER: 10056982  
PATENT NUMBER:

FILING DATE: 01/23/2002  
ISSUE DATE:

SERIAL NUMBER: 10120328  
PATENT NUMBER:

FILING DATE: 04/10/2002  
ISSUE DATE:

SERIAL NUMBER: 10241374  
PATENT NUMBER:

FILING DATE: 09/10/2002  
ISSUE DATE:

SERIAL NUMBER: 10619990  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

SERIAL NUMBER: 08442895  
PATENT NUMBER: 5613012

FILING DATE: 05/17/1995  
ISSUE DATE: 03/18/1997

SERIAL NUMBER: 08345523  
PATENT NUMBER: 5615277

FILING DATE: 11/28/1994  
ISSUE DATE: 03/25/1997

SERIAL NUMBER: 08739313  
PATENT NUMBER: 5737439

FILING DATE: 10/29/1996  
ISSUE DATE: 04/07/1998

SERIAL NUMBER: 08722629  
PATENT NUMBER: 5764789

FILING DATE: 09/27/1996  
ISSUE DATE: 06/09/1998

SERIAL NUMBER: 08818872  
PATENT NUMBER: 5802199

FILING DATE: 03/17/1997  
ISSUE DATE: 09/01/1998

SERIAL NUMBER: 08820008  
PATENT NUMBER: 5805719

FILING DATE: 03/18/1997  
ISSUE DATE: 09/08/1998

SERIAL NUMBER: 08687251  
PATENT NUMBER: 5838812

FILING DATE: 07/25/1996  
ISSUE DATE: 11/17/1998

SERIAL NUMBER: 08705399  
PATENT NUMBER: 5870723

FILING DATE: 08/29/1996  
ISSUE DATE: 02/09/1999

SERIAL NUMBER: 08902151  
PATENT NUMBER: 5982914

FILING DATE: 07/29/1997  
ISSUE DATE: 11/09/1999

013862/0618 PAGE 3

SERIAL NUMBER: 09244784  
PATENT NUMBER: 6012039

FILING DATE: 02/05/1999  
ISSUE DATE: 01/04/2000

SERIAL NUMBER: 09098318  
PATENT NUMBER: 6131464

FILING DATE: 06/16/1998  
ISSUE DATE: 10/17/2000

SERIAL NUMBER: 09245501  
PATENT NUMBER: 6154879

FILING DATE: 02/05/1999  
ISSUE DATE: 11/28/2000

SERIAL NUMBER: 09243208  
PATENT NUMBER: 6192142

FILING DATE: 02/02/1999  
ISSUE DATE: 02/20/2001

SERIAL NUMBER: 09239595  
PATENT NUMBER: 6230148

FILING DATE: 01/29/1999  
ISSUE DATE: 05/08/2001

SERIAL NUMBER: 09239570  
PATENT NUMBER: 6269348

FILING DATE: 01/29/1999  
ISSUE DATE: 07/31/2001

SERIAL NUMBER: 09183215  
PATENT NUMBER: 6366682

FILING DATE: 10/30/1998  
ISSUE DATE: 04/02/2002

SERIAL NUMBER: 09357718  
PATENT NUMBER: 6397198

FILING DATE: 07/20/1999  
ISSUE DATE: 05/28/2002

SERIAL NUMBER: 09330253  
PATENT NUMBER: 6411728

FILING DATE: 06/10/1999  
ISSUE DATE: 06/25/2002

SERIAL NUMBER: 09848867  
PATENT NUMBER: 6581042

FILING DATE: 05/03/2001  
ISSUE DATE: 06/17/2003

SERIAL NUMBER: 10143430  
PATENT NUMBER: 6591002

FILING DATE: 05/09/2002  
ISSUE DATE: 07/08/2003

SERIAL NUMBER: 10114587  
PATENT NUMBER: 6594376

FILING DATE: 04/01/2002  
ISSUE DATE: 07/15/2003

SERIAL NUMBER: 29097014  
PATENT NUMBER: D425873

FILING DATE: 11/25/1998  
ISSUE DATE: 05/30/2000

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
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## Certificate of Facsimile Transmission

08/11/2003 00039767

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Date: August 11, 2003

Alexander C. Johnson, Jr.  
Reg. No. 29,896

PATENT APPLICATION  
Attorney's Do. No. 8514-111

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mail Stop Assignment Recordation Services  
Director of the U.S. Patent and  
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Please record the attached original document or copy thereof and return the recorded instrument to the undersigned.

1. Name of party conveying an interest: **INDIVOS CORPORATION**, a Delaware corporation
2. Name and address of party receiving an interest: **INDIVOS CORPORATION**, a Delaware corporation,  
One Market Street, Spear Tower, 41<sup>st</sup> Floor, San Francisco, California 94105
3. Description of the interest conveyed: Merger - Indivos Corporation; Indivos Acquisition Corp. and  
Solidus Networks, Inc.

Date of execution of attached document: July 23, 2003

4. Application number(s) or patent number(s). Additional sheet attached? Yes

1.	5,613,012	3/18/1997
2.	5,615,277	3/25/1997
3.	5,737,439	4/7/1998
4.	5,764,789	6/9/1998
5.	5,802,199	9/1/1998
6.	5,805,719	9/8/1998
7.	5,838,812	11/17/1998
8.	5,870,723	2/9/1999
9.	5,982,914	11/9/1999
10.	6,012,039	1/4/2000
11.	6,131,464	10/17/2000
12.	6,154,879	11/28/2000
13.	6,192,142	2/20/2001
14.	6,230,148	5/8/2001
15.	6,269,348	7/31/2001
16.	6,366,682	4/2/2002
17.	6,397,198	5/28/2002
18.	6,411,728	6/25/2002
19.	6,581,042	6/17/2003

20.	6,591,002	7/8/2003
21.	6,594,376	7/15/2003
22.	D425,873	5/30/2000
23.	09/215,058	12/17/1998
24.	09/398,914	9/16/1999
25.	09/441,107	11/16/1999
26.	09/639,948	8/17/2000
27.	09/731,536	12/6/2000
28.	09/794,810	2/26/2001
29.	09/815,434	3/22/2001
30.	09/871,241	5/30/2001
31.	09/879,370	6/11/2001
32.	10/056,982	1/23/2002
33.	10/120,328	4/10/2002
34.	10/241,374	9/10/2002
35.	10/619,990	7/14/2003

5. Name and address of party to whom correspondence concerning document should be mailed:

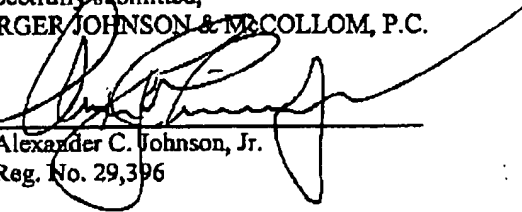
Alexander C. Johnson, Jr.  
MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland, Oregon 97205  
Telephone: (503) 222-3613

6. Number of applications and patents involved: 35

7. Please charge our Deposit Account Number 13-1703 for the \$1,400 recordal fee. Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

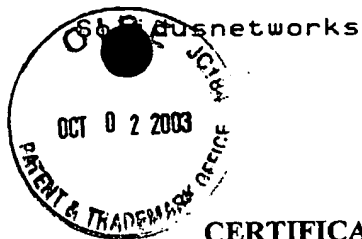
Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.

By   
Alexander C. Johnson, Jr.  
Reg. No. 29,396

1030 S.W. Morrison Street  
Portland, Oregon 97205  
Telephone: (503) 222-3613

Total number of pages comprising cover sheet and attached assignment: 5

cc: Steve Zelinger

**CERTIFICATE OF MERGER****OF****Indivos Acquisition Corp.  
a Delaware corporation****WITH AND INTO****Indivos Corporation  
a Delaware corporation****UNDER SECTION 251 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware does hereby certify that:

1. The name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Indivos Corporation.	Delaware
Indivos Acquisition Corp.	Delaware

2. The Agreement and Plan of Merger by and among Solidus Networks, Inc., Indivos Corporation and Indivos Acquisition Corp. dated as of March 14, 2003 (the "Merger Agreement"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251 (and, with respect to Indivos Acquisition Corp., by the written consent of its sole stockholder in accordance with Section 228) of the General Corporation Law of the State of Delaware.

3. The name of the surviving corporation (the "Surviving Corporation") is Indivos Corporation.

4. The amended and restated certificate of incorporation of Indivos Corporation as in effect immediately prior to the effective time of the merger, shall be the certificate of incorporation of the Surviving Corporation, provided that, at the effective time of the merger, said certificate of incorporation shall be amended as follows:

Article IV shall be deleted in its entirety and substituted in lieu thereof a new Article IV which shall provide:

A. **Classes of Stock.** This corporation is authorized to issue two classes of stock to be designated, respectively, "Common Stock" and "Preferred Stock." The total number of shares which the corporation is authorized to issue is Two Thousand (2,000) shares. One Thousand (1,000) shares shall be Common Stock, each having a par value of one-hundredth of one cent (\$.0001). One

Thousand (1,000) shares shall be Preferred Stock, each having a par value of one-hundredth of one cent (\$.0001).

**B. Preferred Stock.** The Preferred Stock may be issued from time to time in one or more series. The board of directors of the corporation (the "Board of Directors") is hereby expressly authorized to provide for the issue of all of any of the remaining unissued and undesignated shares of the Preferred Stock in one or more series, and to fix the number of shares and to determine or alter for each such series, such voting powers, full or limited, or no voting powers, and such designation, preferences, and relative, participating, optional, or other rights and such qualifications, limitations, or restrictions thereof, as shall be stated and expressed in the resolution or resolutions adopted by the Board of Directors providing for the issuance of such shares and as may be permitted by the Delaware General Corporation Law. The Board of Directors is also expressly authorized to increase or decrease the number of shares of any series subsequent to the issuance of shares of that series, but not below the number of shares of such series then outstanding. In case the number of shares of any series shall be decreased in accordance with the foregoing sentence, the shares constituting such decrease shall resume the status that they had prior to the adoption of the resolution originally fixing the number of shares of such series.

5. The executed Merger Agreement is on file at the principal place of business of the Surviving Corporation. The address of the principal place of business of the Surviving Corporation is One Market Plaza, 41<sup>st</sup> Floor, San Francisco, California 94105.

6. A copy of the executed Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.



IN WITNESS WHEREOF, this Certificate of Merger is hereby executed on behalf of Indivos Corporation.

Dated as of July 23, 2003

Indivos Corporation,  
a Delaware corporation

By: Robert Goldberg  
Name: Robert Goldberg  
Title: Chief Executive Officer

**BEST AVAILABLE COPY**